

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARK LEO

Plaintiff,

Civil Case No.5:06-cv-1530
(GTS/ATB)

-vs-

NEW YORK STATE DEPARTMENT OF
HEALTH, ONONDAGA COUNTY DEPARTMENT
OF SOCIAL SERVICES, DAVID SUTKOWY,
ONONDAGA COUNTY DEPARTMENT OF
LONG TERM CARE SERVICES,
ROBERTA A. SPRAGUE, and
RICHARD F. DAINES

Defendants.

Legal Services of Central New York
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Andrew M. Cuomo, Attorney General
of the State of New York
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Emil J. Bove, Esq., AAG

HON. GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

On April 5, 2007, Mark Leo ("Plaintiff") filed an Amended Complaint in this civil rights action, asserting claims against the New York State Department of Health, Onondaga County Department of Social Services, David Sutkoway, Onondaga County Department of Long Term Care Services, Roberta A. Sprague, and Richard F. Daines. ("Defendants"). (Dkt. No. 9.) On April 24, 2007 and April 30, 2007, New York State Department of Health, Onondaga County Department of Social Services, David

Sutkow, Onondaga County Department of Long Term Care Services, Roberta A. Sprague, and Richard F. Daines appeared in this action by filing their Answers to the Amended Complaint. (Dkt. Nos. 21 & 24.)

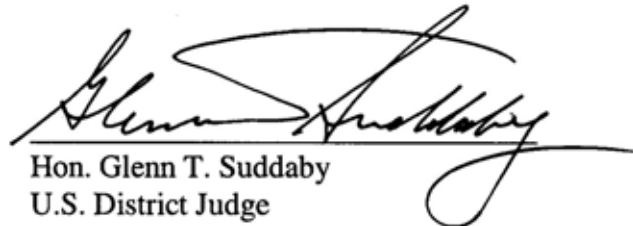
On January 22, 2010, Defendants' counsel filed a suggestion of death pursuant to Fed. R. Civ. P. 25, advising the Court that Plaintiff passed away on December 30, 2009. (Dkt. No. 56.) On February 12, 2010, Defendants' counsel served the suggestion of death on Steve Leo, Plaintiff's next of kin, by first class mail. (Dkt. No. 60.) As of the date of this Decision and Order, no party or successor or representative of Plaintiff has made a motion for substitution, or requested an extension of the deadline by which to file such a motion.

ACCORDINGLY, it is

ORDERED that Plaintiff's Amended Complaint (Dkt No. 9) is **DISMISSED** pursuant to Fed. R. Civ. P. 25(a).

The Clerk is directed to enter Judgment in favor of Defendants and close this action.

Dated: May 17, 2010
Syracuse, NY


Hon. Glenn T. Suddaby
U.S. District Judge